



Army Corps Supplemental Appropriations: Recent History, Trends, and Policy Issues

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Summary

Under its civil works program, the U.S. Army Corps of Engineers plans, builds, operates, and maintains a wide range of water resources facilities. The Corps also plays a prominent role in responding to domestic natural disasters, in particular riverine and coastal flooding events. The Corps can assist in flood fighting at the discretion of its Chief of Engineers in order to protect life and property, principally when state resources are overwhelmed. The Corps is also authorized to protect and repair its own facilities in the event of flooding, and to operate a program, the Rehabilitation and Inspection Program (RIP), that funds the repair of participating nonfederal flood control works (e.g., levees, dams, dunes) damaged by flooding events. Repairs under this program are funded by the Corps' Flood Control and Coastal Emergencies (FCCE) account. The Corps also undertakes a variety of other activities at the request of FEMA under the National Response Framework, which are outside the scope of this report.

In recent years a number of natural disasters have required Corps response and repair activities with costs running into the billions. Congress provided most of these funds through supplemental appropriations. Over the 10-year period FY2003 to FY2012, Congress appropriated \$25.5 billion in supplemental funding for the Corps through 12 supplemental appropriations acts (including P.L. 111-5, or ARRA). This was approximately half of the total amount received by the Corps in annual appropriations over the same period. Of the \$25.5 billion, about \$21 billion (82%) was for actions to respond to riverine and coastal flooding or other natural disasters. The majority of this funding was for response and repair related to Hurricane Katrina and the 2005 storm season (\$16 billion). In addition to the disaster funding, Congress provided the Corps with non-disaster related supplemental funds, including \$4.6 billion under the American Recovery and Reinvestment Act (P.L. 111-5) and \$39 million for facility security and other expenditures.

Hurricane Sandy's impact on the East Coast is raising questions about how to fund Corps natural disaster response and recovery activities, including infrastructure investments in hurricane and flood protection. This report summarizes recent trends in supplemental funding for the Corps, particularly related to natural disasters. It provides summary data and analysis on Corps funding over the last 10 years and includes a general discussion of how the Corps funds emergency actions at its own facilities and elsewhere.

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Introduction

Under its civil works program, the U.S. Army Corps of Engineers (hereinafter referred to as the Corps) plans, builds, operates, and maintains a wide range of water resources facilities. The Corps also undertakes flood fighting activities and other natural disaster response activities at its water resource facilities and for other flooded areas and flood-damaged structures. These emergency activities have been authorized by Congress, and have generally been funded by supplemental appropriations, which in recent years has been significant relative to annual Corps appropriations. Since 2003, Congress has appropriated approximately \$51 billion to the Corps for annual appropriations, and has provided an additional \$25.5 billion to the Corps in supplemental appropriations. Hurricane Sandy's impact on the East Coast is raising questions about how to fund Corps natural disaster response and recovery activities, including infrastructure investments in hurricane and flood protection.

This report provides analysis of Corps supplemental funding since 2001. Its focus is supplemental funding provided directly to the Corps. Separately, the Federal Emergency Management Agency (FEMA) has extensive authority to assist and coordinate disaster response actions under the National Response Framework, and receives significant regular and supplemental appropriations for this work.¹ While the Corps performs work under some mission assignments for FEMA (i.e., funded by FEMA, under FEMA's direction), that work is not considered in this report.

For more information on Corps flood policy and recent storms, including Hurricane Sandy, see CRS Report R42803, *Federal Involvement in Flood Response and Flood Infrastructure Repair: Hurricane Sandy Recovery*, by Nicole T. Carter. For more on regular (i.e., non-supplemental) Corps appropriations, see CRS Report R42498, *Energy and Water Development: FY2013 Appropriations*, coordinated by Carl E. Behrens.

Funding of Corps Emergency Activities

Congress authorized the Corps in the Flood Control Act of 1941 (33 U.S.C. 701n) to assist in flood fighting and flood response. The Corps can assist in flood fighting at the discretion of its Chief of Engineers in order to protect life and property, principally when state resources are overwhelmed. Congress also authorized the Corps to operate the Rehabilitation and Inspection Program (RIP, also known as the P.L. 84-99 program) to fund the repair of participating nonfederal flood control works (e.g., levees, dams, dunes) damaged by natural events. Repairs under this program are funded by the Corps' Flood Control and Coastal Emergencies (FCCE) account. Congress has also directed the Corps to use supplemental funds to repair and rebuild federally owned flood control and other projects (e.g., navigation projects) through the agency's Operation and Maintenance (O&M) and Construction accounts.

In the event of an emergency, Congress has given the Secretary of the Army (generally delegated to the Assistant Secretary of the Army (Civil Works)) discretion to transfer from existing appropriations the monies necessary for the emergency work referenced above, until funds become available in the applicable account through supplemental appropriations or other

¹ For more on FEMA's coordinating role, see CRS Report R41981, *Congressional Primer on Major Disasters and Emergencies*, by Francis X. McCarthy and Jared T. Brown.

avenues.² In recent floods, the Corps has exercised this authority to transfer regular annual appropriations from ongoing projects (i.e., projects funded by regular appropriations) to pay for emergency actions. The Corps then internally reimburses itself for this funding once supplemental appropriations are available.

Corps Role in Responding to Hurricane Sandy

The Corps has mobilized significant resources to respond to Hurricane Sandy under its two primary disaster authorities (the Flood Control Act of 1941 and mission assignments from FEMA under the Stafford Act, as discussed above). To date, the Corps has been involved in clearing debris from ports, waterways, and coastal areas in New York, New Jersey, and Delaware. The Corps also reports that planning response teams are assisting with debris management, infrastructure assessment, de-watering/pumping, repairing critical public facilities, and several other activities. Estimated costs for activities are not yet available, but are likely to be significant. Additionally, the portion of these Corps activities that will be responsibility of the Corps and FEMA to fund, respectively, has yet to be determined. As noted above, it is expected that FEMA will be responsible for reimbursing the Corps for certain costs in assigned mission areas under the National Response Framework.

Accounts

The majority of natural disaster-related supplemental appropriations generally are placed into one of the following four Corps budget accounts based on the type of activity funded.

Flood Control and Coastal Emergencies (FCCE) Account

The FCCE account is the primary account through which the Corps funds disaster-related activities. The primary activities funded under FCCE are flood fighting (e.g., sandbagging) and emergency preparedness and response, and repair of damaged nonfederal flood and hurricane protection projects (i.e., RIP activities).

Operation and Maintenance (O&M) Account

The O&M account funds activities related to existing Corps projects, including upkeep of physical infrastructure and other activities (i.e., dredging of ports and waterways). Common disaster activities funded under this account include repair of damaged federally operated flood and hurricane protection projects (e.g., dams, levees, floodwalls), dredging of federal waters, and navigation infrastructure projects.

Mississippi River and Tributaries (MR&T) Account

The Mississippi Rivers and Tributaries account consists of flood control and navigation projects for the lower Mississippi River Valley. Supplemental expenditures under this account primarily consist of repair to damaged MR&T levees, floodways, and other project features.

² 33 U.S.C. § 701n.

Construction Account

The Construction account funds new project construction and major upgrades to existing projects. Supplemental expenditures in the construction account typically consist of expenditures to rebuild projects which were previously destroyed, or new construction authorized by Congress to provide increased protection.

Analysis of Corps Supplemental Appropriations

The Corps is eligible to receive annual appropriations in anticipation of natural disasters, including in the FCCE account. However, Congress has generally not provided funding for the Corps in advance of major disasters, and the majority of this funding has instead come through supplemental appropriations. In recent annual appropriations action, this account has rarely received funding. Since 2003, the FCCE received appropriations in FY2003 and FY2012 for a total of \$42 million. In eight of the last ten years, the Corps received no funding for the FCCE account in regular appropriations, despite the Administration's request for FCCE funding of emergency training and preparedness in each of those years.³

Overall, the Corps received \$25.5 billion in supplemental appropriations in 12 appropriations acts over the last decade.⁴ This was in addition to \$50.5 billion in annual appropriations to the Corps civil works program over the same period. Individual supplemental appropriations acts over the last 10 years that provided funding to the Corps are shown below in **Table 1**. Of the \$25.5 billion in supplemental appropriations received by the Corps over the FY2003-FY2012 time period, about \$21 billion (82%) was for riverine and coastal flooding or other natural disasters. Of this total, \$16 billion (64%) was made available for response and recovery related to the 2005 hurricane season (i.e., Hurricanes Katrina and Rita). These funds were provided in seven supplemental appropriations acts passed between 2005 and 2009. Outside of these funds, an additional \$5 billion was provided to respond to other natural disasters (e.g., flooding, hurricanes) which occurred outside of the 2005 hurricane season. Much of the 18% in supplemental funding that went to non-natural disaster response-related activities was provided to the Corps for maintenance and facility upgrades. Supplemental funding of \$4.6 billion was appropriated to the Corps for infrastructure upgrades and construction under the American Recovery and Reinvestment Act (P.L. 111-5, ARRA). Funds were also made available for facility upgrades after the September 11, 2001, terrorist attacks.

³ The Administration requested amounts ranging from \$30 million to \$81 million for the FCCE account for each year over the FY2003-FY2012 period, but only received appropriations for the FCCE account in two of those years. FY2012 was the only year in which Congress appropriated the Administration's full funding request for the FCCE account in regular appropriations (\$27 million).

⁴ CRS analysis using enacted supplemental appropriations bills and data provided by the Corps.

Table 1. Corps Supplemental Appropriations, 2003-2012

(\$ in millions)

Corps Civil Works Accounts (\$ in millions)									
P.L. Number (Year Enacted)	Primary Response/Purpose	General Expenses	Investigations	Construction	MR&T	O&M	FCCE	FUSRAP	Total
P.L. 112-77 (2011)	Other Natural Disasters	-	-	-	802	534	388	-	1,724
P.L. 111-212 (2010)	Other Natural Disasters	-	5	-	19	173	20	-	217
P.L. 111-32 (2009)	2005 Hurricanes	-	-	-	-	-	439	-	439
P.L. 111-32 (2009)	Other Natural Disasters	-	-	-	-	43	315	-	358
<i>P.L. 111-5 (2009)</i>	<i>Economic recovery</i>	-	25	2,000	375	2,075	-	100	4,575
P.L. 110-329 (2009)	2005 Hurricanes	-	-	1,500	-	-	-	-	1,500
P.L. 110-329 (2009)	Other Natural Disasters	-	-	39	82	740	416	-	1,277
P.L. 110-252 (2008)	2005 Hurricanes	2	-	2,835	-	-	2,926	-	5,763
P.L. 110-252 (2008)	Other Natural Disasters	-	-	62	18	298	227	-	604
P.L. 110-28 (2006)	2005 Hurricanes	-	-	25	-	-	1,408	-	1,433
P.L. 110-28 (2006)	Other Natural Disasters	-	8	11	-	3	154	-	176
P.L. 109-234 (2006)	2005 Hurricanes	-	3	517	-	-	3,129	-	3,649
P.L. 109-234 (2006)	Other Natural Disasters	-	-	32	-	3	16	-	51
P.L. 109-148 (2006)	2005 Hurricanes	2	37	101	154	328	2,278	-	2,899
P.L. 109-62 (2005)	2005 Hurricanes	-	-	-	-	200	200	-	400
P.L. 108-324 (2004)	Other Natural Disasters	-	-	63	6	145	148	-	362
P.L. 108-83 (2003)	Other Natural Disasters	-	-	-	-	-	60	-	60
<i>P.L. 108-11 (2003)</i>	<i>Facility Security</i>	-	-	-	-	39	-	-	39
Total Supplementals		3	79	7,185	1,455	4,581	12,123	100	25,527
All Natural Disasters		3	54	5,185	1,080	2,467	12,123	-	20,913
2005 Natural Disasters		3	40	4,979	154	528	10,380	-	16,083
Non-Disaster		-	25	2,000	375	2,114	-	100	4,614

Source: Multiple appropriations bills (as shown in table), compiled by CRS.

Notes: Items listed more than once indicate that one supplemental appropriations bill provided funding to the Corps for multiple purposes. Italicized lines indicate supplemental funding for purposes other than natural disaster response. FUSRAP = Formerly Utilized Sites Remedial Action Program (FUSRAP). A summary of individual locations receiving disaster funding is provided in the **Appendix** to this report.

2005 Hurricanes

As noted above, the 2005 hurricanes (primarily Hurricane Katrina) accounted for the majority of Corps supplemental appropriations since 2003. The \$16 billion received for these storms is more than three times the size of the Corps annual civil works budget in a single year. These appropriations were provided in six separate supplemental appropriations bills passed between 2005 and 2009, and most of these funds were designated for rebuilding and in some cases significant strengthening of Corps facilities, principally in Southeast Louisiana. Approximately 94% of the supplemental funds appropriated for Corps hurricane response and recovery went to activities in Louisiana,⁵ and \$14.5 billion was for protective measures in Southeast Louisiana. These funds were used for significant repair and strengthening of 350 miles of levees and floodwalls in New Orleans and new surge protection barriers, including the Inner Harbor Navigation Canal Surge Barrier, which is one of the largest surge barriers in the world. Of the \$14.5 billion for infrastructure investments funded through emergency supplementals for Southeast Louisiana, the nonfederal sponsors contributed \$1.7 billion, consisting of \$0.2 billion for real estate acquisition and \$1.5 billion for the state's cash share contribution. The \$1.7 billion covers 12% of the total cost. Under a specially negotiated arrangement, the cash contribution was allowed to be repaid over 30 years.⁶

Hurricane Katrina significantly damaged the Mississippi coast. In contrast to the congressional response to fund hurricane protection construction through supplemental appropriations for Southeast Louisiana, Congress directed the Corps to develop a plan for how to protect coastal Mississippi. As part of a supplemental appropriations bill for the Corps (P.L. 109-148), Congress directed the Corps to design comprehensive improvements and modifications to Mississippi coastal counties to provide hurricane protection, prevent erosion, preserve fish and wildlife habitat, and other purposes. This effort is known as the Mississippi Coastal Improvements Program (MsCIP). In a 2009 supplemental bill (P.L. 111-32), Congress authorized and funded \$439 million in Corps activities under this program. The Corps final MsCIP plan was submitted to Congress for authorization in January 2010, and is awaiting authorization and subsequent funding of an additional \$1.2 billion in projects.⁷ These projects were planned in compliance with the standard 65% federal and 35% nonfederal cost-share for this type of Corps project.

As of the end of FY2012, a portion of the Hurricane Katrina funds remained unobligated, including \$2.85 billion in the FCCE account.⁸ Since Congress designated most of these funds for Hurricane Katrina recovery, they are typically not available to other projects or emergencies.⁹

⁵ CRS analysis of data provided by the Corps of Engineers, July 2009.

⁶ Testimony by L.G. Robert Van Antwerp, Chief of Engineers, before U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery, *Five Years Later: Examination of Lessons Learned, Progress Made, and Work Remaining from Hurricane Katrina*, 111th Cong., 2nd sess., August 26, 2010.

⁷ For more on the status of the bill that generally includes Corps authorizations (the Water Resources Development Act, or WRDA), see CRS Report R41243, *Army Corps of Engineers Water Resource Projects: Authorization and Appropriations*, by Nicole T. Carter and Charles V. Stern.

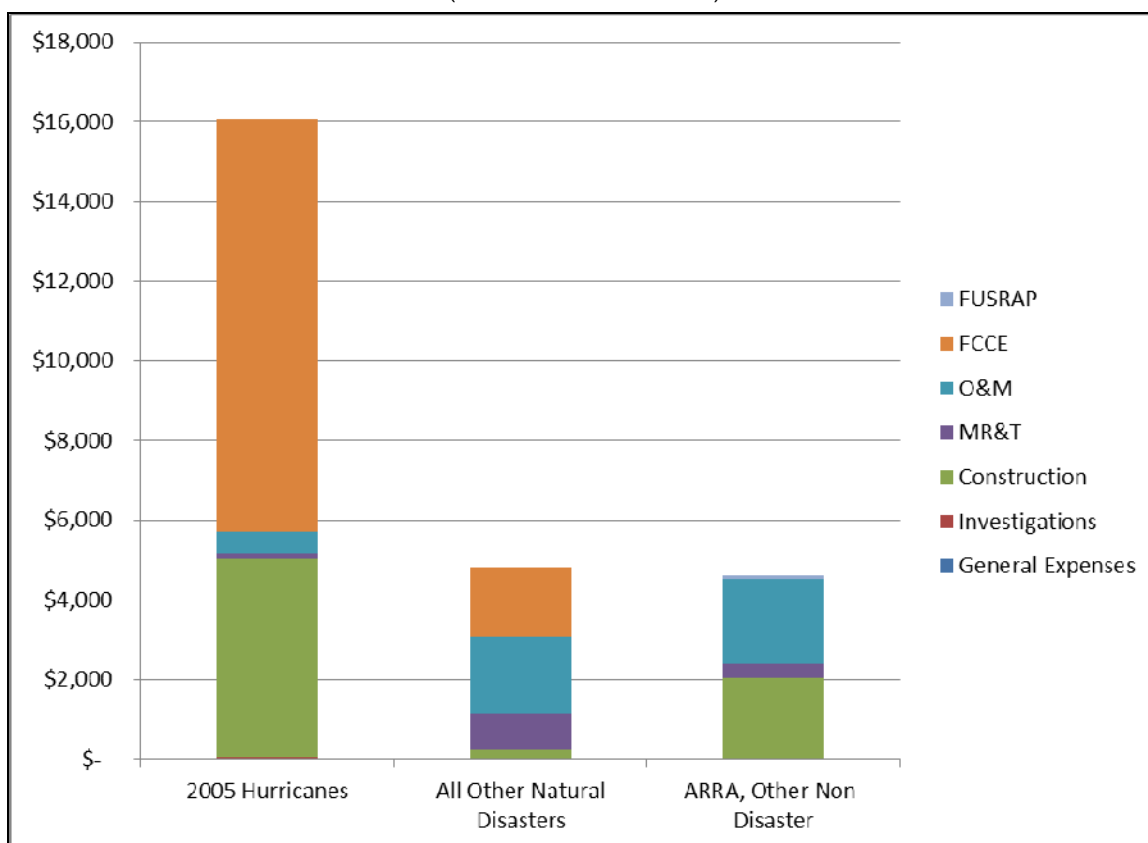
⁸ Personal communication with Corps of Engineers, November 8, 2012. Approximately \$9.9 billion was appropriated to the FCCE account for Hurricane Katrina.

⁹ Ongoing work in the region includes projects to reduce urban flood damage, nonfederal levee improvements, and work on the outfall canals into Lake Pontchartrain.

Other Flooding/Natural Disasters

Outside of funding for the 2005 hurricane season, Congress provided the Corps with approximately \$5 billion to respond to flooding and other natural disasters (e.g., riverine and coastal flooding) over the 2003-2012 time period. Some of this funding was provided in bills that had also designated funds for expenditures related to the 2005 hurricanes (e.g., P.L. 110-252, P.L. 110-329). In contrast to the 2005 hurricane response, a considerable portion of the funding for these other flood events was for Corps actions under the O&M account and the Mississippi River & Tributaries account (45% and 22%, respectively); the FCCE account received roughly 30% of these appropriations, as shown in **Figure 1**. The most recent supplemental appropriation for the Corps (P.L. 112-77, passed in December 2011), focused on repair to Corps facilities on the Mississippi and Missouri Rivers; the majority of these funds were for the MR&T and O&M accounts. These disaster response activities were primarily for Corps-owned and -operated facilities and waterways. Overall, supplemental Construction account funding for natural disasters other than Hurricane Katrina has been minimal. A summary of some of the locations receiving funding referred to in this section is included in the **Appendix** to this report.

Figure 1. Corps Supplemental Appropriations Comparison
(2003-2012, \$ in millions)



Source: CRS estimates based on various appropriations acts and data from the Corps.

Other Supplementals: ARRA and Facility Security

Over the last 10 years, the Corps also received funds for maintenance and facility upgrades. Specifically, the Corps received funding for facility security upgrades in 2002 and 2003 following the terrorist attacks of 2001, \$39 million of which is shown in the table above. It also received considerable funding for facility upgrades (including more than \$2 billion in the O&M account) and new project construction (\$2 billion in the construction account) under the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5). A combined breakdown of this non-natural disaster related supplemental funding is provided in **Error! Reference source not found.**

Observations on Corps Supplemental Funding

Given the current federal fiscal constraints and Hurricane Sandy's impact on the East Coast, the recent regular enactment and reliance on emergency supplemental funding is receiving more attention. For Corps natural disaster supplemental funding, the attention falls into the following topic areas:

- use of supplementals for post-disaster major infrastructure investments;
- regularity of natural disaster activities;
- transparency of natural disaster funding; and
- nonfederal cost-sharing of natural disaster expenses.

Each of these topics is discussed below.

Post-Disaster Infrastructure Investments

In the aftermath of Hurricane Sandy, Congress is faced with numerous challenges and questions, including whether to use supplemental funding for significant hurricane and flood protection investments. Congress funded Corps infrastructure investments related to improved hurricane storm protection infrastructure for Southeast Louisiana in post-Katrina supplementals, while it required the Corps to develop a comprehensive plan for coastal Mississippi, of which only a portion has been authorized and appropriated.

Congress is faced with decisions on how to cost-share Hurricane Sandy-related infrastructure investments. Much of the work in Mississippi has been proposed at a 65% federal and 35% nonfederal cost share, which is the typical cost share for these types of Corps projects, while Congress required less cost sharing (roughly 12% to be repaid over 30 years) for the work in Louisiana.

Regularity of Natural Disaster Activities

Natural disaster emergency supplementals for the Corps for the last decade, excluding the 2005 Hurricanes, totaled roughly \$4.8 billion, or \$480 million annually. Congress is faced with deciding whether to address the funding needs for the fairly regular Corps natural disaster activities through emergency supplementals or to build these expenses into the regular appropriations process. As previously noted, Congress generally has not provided the Corps with

appropriations in advance of natural disasters. Covering the Corps' natural disaster-related activities within the regular appropriations process would make a competitive annual Corps appropriations process even more competitive, but potentially would more accurately reflect the regularity of Corps' natural disaster spending.¹⁰

Transparency of Natural Disaster Funding

Many of the bills containing supplemental appropriations during the FY2003-FY2012 period were not stand-alone bills for natural disaster response; instead they were bills that combined natural disaster supplemental funding with appropriations for other agencies, often for other purposes (e.g., troop readiness/military supplementals or annual appropriations). For instance, one of the larger supplemental appropriations to the Corps was made in P.L. 109-234, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. Other Corps supplemental appropriations were provided in combination with other disaster or emergency expenditures for events different than the disaster for which the Corps was receiving funding.

After the initial appropriation, public reporting on Corps expenditure of supplemental funding has generally been limited. There are very few overarching reporting requirements for reporting on Corps supplemental expenditures, including the amount and extent of transfers from regular appropriations to initially cover emergency response and repairs, the actual expenditures of supplemental appropriations, and the projects/areas which benefited from them. In some of the early post-Katrina supplementals, Congress set reporting requirements for Corps appropriations, including regular reports to the Committee on Appropriations. However, outside of ARRA spending (which was tracked through a public website), publicly available data on Corps expenditures of supplemental appropriations has not been widely available to the public, or regularly maintained in the same manner as the annual budget.

Nonfederal Cost Sharing of Natural Disaster Expenses

While most Corps civil works activities are cost-shared with nonfederal sponsors, Corps natural disaster activities are generally not cost-shared with nonfederal sponsors. For example, while certain categories of funding for federal navigation projects require cost sharing from the Harbor Maintenance Trust Fund and the Inland Waterway Trust Fund, similar cost sharing arrangements are generally not required for supplemental funding for natural disasters.¹¹ That is, neither of these two trust funds has shared in the navigation-related natural disaster response and recovery financial burden of the last decade. Similarly, the Rehabilitation and Inspection Program essentially functions as an insurance program for the nonfederal flood control and coastal protection projects. There is no cost or premium for participating in the RIP program beyond maintaining the project to RIP standards. Congress is faced with deciding whether to maintain natural disaster response for Corps projects and activities as a fully federal responsibility, or whether there are fair and equitable means for the nonfederal entities to contribute to these expenses.

¹⁰ CRS Report R41961, *Army Corps Fiscal Challenges: Frequently Asked Questions*, by Nicole T. Carter and Charles V. Stern.

¹¹ Similarly, cost sharing requirements for the IWTF were waived under ARRA (P.L. 111-5).

Concluding Remarks

The Corps has received significant supplemental funding for its authorized floodfighting and response activities over the last decade. At issue for Congress is the ideal amount and allocation of funding for these activities going forward, and what requirements should accompany these appropriations. One major question for Congress to consider when making funding available to the Corps to respond to riverine and coastal flooding events is the extent to which response funding will provide for the construction of new, potentially more resilient infrastructure to mitigate flood risk (as opposed to repairs to existing infrastructure). Supplemental appropriations in response to Hurricane Katrina in 2005 did this to a greater extent than did funding for other flooding events over the last 10 years. Also at issue is whether to include local cost share requirements with federal funding, and whether to alter the current funding arrangement for these events (e.g., provide annual appropriations in advance of disasters to the FCCE account).

Appendix. Natural Disaster Allocations by Location

Table A-1. Breakdown of Natural Disaster Allocations
(selected locations receiving supplemental appropriations)

P.L. Number (enacted date)	Event Type or Location	Funding Allocation (\$ in millions)
P.L. 108-83 (2003)	n/a	n/a
P.L. 108-324 (2004)	West Virginia Floods	10
P.L. 109-62 (2005)	Katrina	400
P.L. 109-148 (2005)	Katrina	2,143
	Ophelia	69
	Rita	91
	Wilma	57
P.L. 109-234 (2006)	Katrina	3,651
	Rita	2
	California	30
	Hawaii	2
	Pennsylvania	16
P.L. 110-28 (2007)	Katrina	1,325
	Mississippi	108
	Missouri River Flood	12
	Alabama-Coosa River	3
	Nor'easter Flood	23
	Texas	3
	Drought Assistance	7
P.L. 110-252 (2008)	Midwest Flooding	302
	Katrina	2
P.L. 110-329 (2008)	Katrina	1,500
P.L. 111-32 (2009)	Katrina	439
P.L. 111-212	n/a	n/a
P.L. 112-77	n/a	n/a

Source: Corps of Engineers data.

Notes: In most cases, the totals for disaster supplementals in the table above do not add up to the supplemental funding totals in **Table 1** due to funding being appropriated for general purposes and CRS not having sufficient data on the specific locations for these expenditures. The abbreviation “n/a” indicates that a bill provided for general disaster funding and no location-specific breakdown of funding from the Corps is available.

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